

IN THE SENATE OF THE UNITED STATES.

[To accompany bill H. R. No. 624.]

LETTERS

FROM THE

COMMISSIONER OF INDIAN AFFAIRS, THE COMMISSIONER OF THE GENERAL LAND OFFICE, AND THE SECRETARY OF THE INTERIOR,

RECOMMENDING

*That the land laws be extended east of the Cascade mountains, in Oregon and Washington Territories.*

FEBRUARY 12, 1857.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Office Indian Affairs, January 24, 1857.*

SIR: I have the honor to acknowledge the receipt of your communication of this date, enclosing a letter of Hon. Charles E. Stuart, chairman of the Senate Committee on Public Lands, with which he submitted for your opinion a bill which had on the 20th instant been referred to said committee, having passed the House of Representatives on the 20th instant.

The act proposes to extend the existing laws relative to the survey and disposal of the public lands in Oregon and Washington over the region east of the Cascade mountains, and you inquire if there are any lands in those Territories, east of the Cascade range, to which the Indian title has been extinguished, and request my opinion on the propriety of allowing surveys and entries of land to be made over portions of the national domain to which the Indian claim has not been extinguished.

To the inquiry, I have the honor to reply, that the Indian title has not been cancelled to any portion of those Territories east of the Cascade range. Treaties have been negotiated, by which it is proposed to purchase the Indian claim, but they have not received the sanction of the Senate.

In regard to the policy of authorizing surveys, entries, or settle-

ments of lands claimed by Indian tribes, my opinion is, that it is unwise. After the policy of purchasing the Indian claim has received the sanction of the government for so long a period, it has become known to the Indians who have never made treaties with the United States, and they expect it to be observed in respect to themselves, when the white settlements approach regions which they occupy or frequent.

The survey and settlement of the lands west of the Cascades, before the extinguishment of the Indian claims thereto, have, in my opinion, been a fruitful source of difficulties and hostile conflicts with the Indians there. In view of the disasters to individuals and the expense to the government that have ensued from the Indian wars of the Pacific regions, I cannot regard the extension of the policy under review, in advance of any arrangement with the Indian tribes, as promotive of the best interest of emigrants to and citizens of those Territories, or of the interests of the government.

The papers submitted with your letter are restored.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

Hon. R. McCLELLAND,

*Secretary of the Interior.*

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GENERAL LAND OFFICE,  
*January 26, 1857.*

SIR: In reference to the subject of your letter of the 24th instant, I have the honor to state that the existing laws authorize the proclamation of land sales west but not east of the Cascade mountains; and there is no statute for annexing those east to a land district, or creating a new district for that section of country, nor for extending the surveys there.

A bill for that purpose (copy herewith) was sent to General Lane, from this office, on the 29th of November last.

We have no official data that will enable us to respond to the inquiry as to the extinction of the Indian title east of the Cascades.

With great respect, your obedient servant,

THOS. A. HENDRICKS,  
*Commissioner.*

Hon. ROBERT McCLELLAND,

*Secretary of the Interior.*

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GENERAL LAND OFFICE,  
*January 30, 1857.*

SIR: I have the honor to transmit, in reply to your memorandum made a few days since, (which was overlooked, it appears,) the following estimate:

	Square miles.	Acres.
Oregon Territory, surface west of the Cascade range of mountains.....	32,005	= 20,483,200
Washington Territory, surface west of the Cascade range of mountains.....	26,257	= 16,804,480
Total.....	<u>58,262</u>	<u>37,287,680</u>

*Conjectural estimate of donation claims.*

Oregon Territory, according to returns from land officers.....	200,000	acres.
Washington Territory, reported by land officers 3,544 acres, supposed will not exceed.....	50,000	"
Total.. ..	<u>250,000</u>	<u>"</u>

I am, very respectfully, your obedient servant,  
 THOS. A. HENDRICKS,  
*Commissioner.*

Hon. R. McCLELLAND,  
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
 January 31, 1857.

SIR: I have the honor to return herewith House bill No. 624, "for extending the land laws east of the Cascade mountains, in Oregon and Washington Territories," received in your letter of the 23d inst., requesting my views thereon.

The subject was referred to the General Land Office and to the Indian Bureau, and I here with enclose copies of the communications from the former of the 26th and 30th inst., and from the latter of the 26th instant.

It will be perceived that no public land, properly so called, exists east of the Cascade mountains; so that the proposed legislation would have no operation, unless a construction should be given to it which would extend surveying, donation, and all other laws, over land not only in the occupation of the Indians, but to which their acknowledged possessory title had not yet been extinguished. One of the papers from the General Land Office contains a reference to an estimate "by the department" of \$35,000, for surveying east of the Cascades; but such reference is in error, inasmuch as, although such an item was submitted to me by that bureau, I struck it out in making up the estimates from the department, for the like reason which operates on me now, in considering the legislation designed is premature.

It will be perceived, from an estimate furnished me by the General

Land Office, that the quantity of land west of the Cascade mountains, in the Territory of Oregon, is about 20,483,200 acres, of which there has been taken up by donation claims about 200,000 acres; that the extent of surface in the same district of Washington Territory is 16,804,480 acres, of which 3,544 acres have been reported as taken up by claims, and that the whole amount will not, it is supposed, exceed 50,000 acres. With the great extent of surface now open to settlement in both Territories, the simple reference thereto would seem to be sufficient to enable any one (unless he has information which I have not) to determine upon the inexpediency of adding more land for that purpose, and particularly when to do so would not only interfere with the usual policy of the government towards the Indians, but which might be the means of further irritation in that quarter, and render the travel of the emigrants exceedingly dangerous.

No facts or circumstances have been presented, whilst I have had charge of the department, showing any necessity for the proposed legislation; and until there has been some arrangement with the Indians, or at all events until the present difficulties there have ceased, I could not recommend the measure. It would cost a large amount, in comparison to what it should; and so long as there is so large a body of land to be appropriated by settlement *west* of the Cascades I cannot perceive any urgent necessity for it.

With much respect, your obedient servant,

R. McCLELLAND,  
*Secretary.*

Hon. C. E. STUART,

*Chairman Committee on Public Lands, Senate.*